

# REAL ESTATE COMMISSION

PROFESSIONAL & VOCATIONAL LICENSING DIVISION  
DEPARTMENT OF REGULATORY AGENCIES

## STATE OF HAWAII

1010 RICHARDS STREET  
P. O. BOX 3469  
HONOLULU, HAWAII 96801

### FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT

on  
WAOKANAKA GARDENS  
145 and 145A Waokanaka Place  
Honolulu, Hawaii

REGISTRATION NO. 1064

#### **IMPORTANT — Read This Report Before Buying**

#### **This Report Is Not an Approval or Disapproval of This Condominium Project**

It reflects information obtained by the Real Estate Commission in its investigation of the project. This report, based on a principle of disclosure, is issued by the Commission for the purpose of preventing fraud, misrepresentation or deceit.

The developer shall not enter into a binding contract or agreement for the sale of any unit in a Condominium Project until

- (1) A copy of this Report has been given to the prospective purchaser,
- (2) The latter has been given an opportunity to read same, and,
- (3) His receipt taken therefor.

Issued: January 11, 1979  
Expires: February 11, 1980

#### SPECIAL ATTENTION

A comprehensive reading of this report is urged in order that personal requirements and expectations to be derived from the property can be ascertained. The attention of the purchaser or prospective purchaser is particularly directed to the following:

THIS REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED DECEMBER 4, 1978 AND INFORMATION SUBSEQUENTLY FILED AS OF DECEMBER 26, 1978. THE DEVELOPER, BY NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY ACT, CHAPTER 514A, HAWAII REVISED STATUTES.

1. WAOKANAKA GARDENS is a fee simple condominium project consisting of two (2) residential apartments and four (4) parking stalls.
2. The Developer of the Project has submitted to the Commission for examination all documents deemed necessary for the registration of this condominium project and the issuance of this Final Public Report.
3. The basic documents (Declaration of Horizontal Property Regime, By-Laws of the Association of Apartment Owners, and a copy of the approved floor plans) have been filed with the Office of the Assistant Registrar of the Land Court of the State of Hawaii. The Declaration of Horizontal Property Regime for the Project, together with the By-Laws of the Association of Apartment Owners, was filed in said Office as aforesaid as Land Court Document No. 912016. The condominium plans were designated by said Office as Condominium Map No. 351.
4. The Developer has advised the Commission that advertising and promotional materials required to be filed pursuant to the rules and regulations promulgated by the Commission will be submitted prior to public exposure.
5. The purchaser or prospective purchaser is advised to acquaint himself with the provisions of Chapter 514A, Hawaii Revised Statutes, and the condominium rules and regulations which relate to horizontal property regimes.
6. This Final Public Report is made a part of the registration of the WAOKANAKA GARDENS condominium project. The Developer is responsible for placing a true copy of this Final Public Report (white paper stock) in the hands of all purchasers and prospective purchasers. Securing a signed receipt for said Final Public Report from all purchasers and prospective purchasers is also the responsibility of the Developer.
7. This Final Public Report automatically expires thirteen (13) months after date of issuance, January 11, 1979, unless a Supplementary Public Report is issued or the Commission, upon review of the registration, issues an order extending the effective period of this report.

NAME OF PROJECT: WAOKANAKA GARDENS

LOCATION: The land of the Project, consisting of approximately 28,440 square feet, is situate at 145 and 145A Waokanaka Place, City and County of Honolulu, State of Hawaii.

TAX KEY: First Division, 1-9-3:16

ZONING: R-3/P-1 (residential/preservation district)

DEVELOPER: David Tit Sheung Chun and Dolores Young Chun, husband and wife, whose residence and post office address is

██████████ and Pearly Shells Vacation Rentals, Inc., a Hawaii corporation whose principal place of business and post office address is 3426 Waialae Avenue, Honolulu, Hawaii 96816, and whose phone number is 531-6277. The officers of Pearly Shells Vacation Rentals, Inc. are Elaine O. Mukai, President/Secretary, and Jane A. Oda, Vice-President/Treasurer.

ATTORNEY REPRESENTING DEVELOPER: Mukai, Ichiki, Raffetto & MacMillan (Attention: Michael R. Garner), 345 Queen Street, Suite 800, Honolulu, Hawaii. Telephone number: 531-6277.

DESCRIPTION OF PROJECT: The Declaration of Horizontal Property Regime describes the Project as follows:

The Project consists of two (2) existing detached wood frame residential buildings which buildings are numbered 1 and 2, as shown on said Condominium Map. Each building is a two-story structure, containing one (1) three-bedroom single family dwelling (hereinafter referred to as an "apartment"), which apartment bears the same number as the building in which it is situated. Each of the two (2) apartments contains ten (10) rooms, consisting specifically of a rumpus room and a bathroom on the ground floor, and three bedrooms, two bathrooms, a living room, dining room, and kitchen on the second floor. Each apartment also has storage and laundry areas and a carport on the ground floor, and a wood deck on the second floor. The apartments are constructed principally of wood, glass and allied building materials.

Each apartment has immediate access to its entries and to the walkways connecting such apartment to the grounds of the Project.

Each apartment shall be deemed to include its foundations, the exterior walls and roof, all interior walls, ceilings, floors and partitions and the finished surfaces thereof, and the carport area located on the first floor of the apartment. The approximate area of each apartment is as follows:

Interior Living Area	1,482.5 square feet
Carpport	399.5 square feet
Wood Deck	196.0 square feet

Notwithstanding the foregoing designation of the limits of the respective apartments, the approximate floor area of each apartment, as set forth above, has been computed by measuring from the outside of the exterior walls, without deduction for interior walls, ducts, vent shafts, and the like located within the perimeter walls.

COMMON ELEMENTS. The Declaration states that the common elements shall include, but shall not be limited to:

- a. All of the land of the Project;
- b. All yards, grounds, landscaping, mailboxes and refuse facilities;
- c. All ducts, electrical equipment, wiring and other central and appurtenant installations, including power, light, water, sewer and telephone; and
- d. All roadways, sidewalks and driveways of the Project.

LIMITED COMMON ELEMENTS. Certain parts of the common elements, designated as "limited common elements", are set aside and reserved for the exclusive use of certain apartments, and such apartments shall have appurtenant thereto exclusive easements for the use of such limited common elements. The only limited common elements so set aside and reserved are the sites of each apartment. Each site, consisting of the land beneath the apartment and adjacent thereto, as shown and delineated on said Condominium Map, shall be a limited common element for the exclusive use of the apartment to which it is appurtenant; provided that each such apartment shall be responsible for and shall bear the expense of installing and maintaining all landscaping within such limited common element area, and of repairing, restoring or reinstating any walkways, fences, walls and other improvements located within such designated limited common element area.

INTEREST TO BE CONVEYED TO PURCHASERS: Developer shall, by means of an apartment deed, convey the apartment and the undivided percentage interest in the common elements (including land) appurtenant thereto. Each apartment shall have appurtenant thereto an undivided 50.00 percent interest (herein called the "common element") in all the common elements of the Project and the same proportionate share in all common profits and expenses of the Project, and for all other purposes, including voting.

PURPOSE OF BUILDINGS AND RESTRICTIONS AS TO USE: The apartments shall be occupied and used only as private dwellings by the respective owners thereof, their tenants, families, domestic servants and social guests, and for no other purpose. The owners of the respective apartments shall have the absolute right to rent or lease such apartments, subject to all provisions of the Declaration or the By-Laws of the Association.

OWNERSHIP OF TITLE: A preliminary title report, dated December 8, 1978, issued by Long & Melone, Ltd., indicates that title to the land is vested in David Tit Sheung Chun and Dolores Young Chun, husband and wife, as tenants by the entirety as to an undivided one-half (1/2) interest, and Pearly Shells Vacation Rentals, Inc., a Hawaii corporation, as to an undivided one-half (1/2) interest, all together as tenants in common.

ENCUMBRANCES AGAINST TITLE: Said preliminary title report issued by Long & Melone, Ltd. reports that title to the land is subject to the following:

1. Real property taxes for fiscal year: 1978-1979: First installment paid and second installment due and delinquent after February 20, 1979.

2. That certain mortgage made by David Tit Sheung Chun and Dolores Young Chun, husband and wife, and Stanley Yuki Yoshi Mukai and Elaine Tsuruko Mukai, husband and wife, as mortgagors, in favor of Cooke Mortgage Company, Inc., as mortgagee, dated July 19, 1965, and filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Land Court Document No. 365885.

3. Said mortgage was assigned by Cooke Mortgage Company, Inc., as assignor, to California-Western States Life Insurance Company, as assignee, by instrument dated July 19, 1965, and filed as aforesaid as Land Court Document No. 365886.

4. Covenants, conditions, restrictions, reservations, easements, liens for assessments, options, powers of attorney, limitations on title, and all other provisions contained in or incorporated by reference in the Declaration of Horizontal Property Regime and By-Laws attached thereto dated November 9, 1978, filed as Land Court Document No. 912096, of the project known as "Waokanaka Gardens", Condominium Map No. 351; any instrument creating the estate or interest herein set forth; and in any other allied instrument referred to in any of the instruments aforesaid.

PURCHASE MONEY HANDLING: An executed Escrow Agreement, dated November 9, 1978, identifies Long and Melone Escrow, Ltd., a Hawaii corporation, as the escrow agent. Upon examination, the specimen Deposit Receipt and Sales Contract and the executed Escrow Agreement are found to be in compliance with Chapter 514A, Hawaii Revised Statutes, and particularly §514A-39 and §514A-63 through §514A-66.

Among other provisions, the Escrow Agreement provides that a purchaser under a Sales Contract shall be entitled to a return of his funds, without interest and less the \$25.00

escrow cancellation fee and other costs actually incurred by the Seller or lending institution in processing the loan application, after purchaser has requested such return and if Escrow shall have received from Developer a written notice that any one of the following has occurred:

(a) Developer shall have requested Escrow to return to purchaser the funds of purchaser then being held by Escrow; or

(b) Developer shall have notified Escrow of Developer's exercise of the option to rescind the Sales Contract pursuant to any right of rescission stated therein or otherwise available to Developer.

(c) The Final Report differs in a material respect from the Preliminary Report and the purchaser's written approval of such change shall not have been obtained;

(d) The Final Report shall not have been issued within one (1) year from the date of issuance of the Preliminary Report.

\*Among other provisions, the specimen Deposit Receipt and Sales Contract provides that the Seller makes no warranties or representation, either express or implied, regarding the conditions of the building, the apartment or any appliances, fixtures or furnishings contained therein, and the Buyer acknowledges that the apartment nor the appliances and fixtures therein are not in a new condition and that the same are being purchased "as is".

It is incumbent upon the purchaser and prospective purchaser to read and understand the Escrow Agreement before executing the Deposit Receipt and Sales Contract, since the Escrow Agreement describes the procedure for receiving and disbursing purchasers' funds, and the Deposit Receipt and Sales Contract specifically provides that the purchaser approves that Escrow Agreement and assumes the benefit and obligations therein provided.


MANAGEMENT OF PROJECT: The By-Laws, which are incorporated in the Declaration, provide that the operation of the Project shall be conducted for the Association by a responsible corporate Managing Agent who may be appointed by the Association in accordance with the By-Laws, although the Declaration permits the Developer to appoint the initial managing agent. The initial managing agent has not yet been selected; however, the Developer is authorized by the Declaration to receive service of legal process in all cases provided in the Horizontal Property Act.

STATUS OF PROJECT: Construction of the Project was completed in 1966 and the units of the Project have been used since then primarily as rental units.

NOTE: The existing buildings are non-conforming structures as defined under Section 21-110 Revised Ordinances, meaning any structure which was previously lawful but which does not now comply with the bulk, yard, set-back or height regulations of the district in which it is located.

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The purchaser or prospective purchaser should be cognizant of the fact that this published report represents information disclosed by the Developer in the required Notice of Intention submitted December 4, 1978 and subsequently filed as of December 26, 1978.

This is a FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT, which is made a part of REGISTRATION NO. 1064, filed with the Commission on December 4, 1978. This report, when reproduced, shall be a true copy of the Commission's Public Report. The paper stock used in making facsimiles must be white.

 (for)  
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AH KAU YOUNG, Chairman  
Real Estate Commission  
State of Hawaii

Distribution:

Department of Taxation  
Bureau of Conveyances  
Planning Commission,  
City & County of Honolulu  
Federal Building Administration  
Escrow Agent

Registration No. 1064

January 11, 1979